

**MOTION TO PLACE
SENATE BILL 70 ON SECOND READING**

Senator Green moved to suspend the regular order of business to take up for consideration at this time:

S.B. 70, Relating to the period after the issuance of a marriage license that the marriage ceremony may take place.

The motion was lost by the following vote: Yeas 16, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Caperton, Carriker, Dickson, Edwards, Green, Krier, Leedom, Parker, Sims, Tejeda, Washington, Whitmire, Zaffirini.

Nays: Brooks, Brown, Haley, Johnson, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Truan, Uribe.

Absent-excused: Glasgow, Harris, Henderson.

CONGRATULATORY RESOLUTIONS

S.C.R. 86 - By Barrientos: Extending greetings to the participants of the 1989 Branders Jeans Tour of Texas.

S.R. 256 - By Henderson: Extending congratulations to Charles E. Simmons of Houston on attaining the rank of Eagle Scout.

S.R. 257 - By Johnson: Recognizing Gerry Beer, the distinguished 1989 recipient of the prestigious Hannah G. Solomon Award.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:23 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(March 15, 1989)

S.C.R. 62

S.B. 239

**TWENTY-NINTH DAY
(Thursday, March 16, 1989)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Harris.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Eternal Father and source of unfailing light and strength, we offer our thanks for this day in which we will have opportunities for service to others. As this day of work begins, may each Member come to this session with renewed energy and confidence for the yet unfinished business of the legislature. We ask this in the name of our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Sims.

REPORTS OF STANDING COMMITTEES

Senator Henderson, Vice-chairman, submitted the following report for the Committee on Jurisprudence:

S.B. 431
S.B. 432
S.B. 602
C.S.S.B. 572
C.S.S.B. 401

Senator Parker submitted the following report for the Committee on Education:

S.B. 40
S.B. 197
S.B. 199
S.B. 504
C.S.S.B. 77

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 515

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 107

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 992
S.B. 508
S.B. 363
C.S.S.B. 505
C.S.S.B. 631
C.S.S.B. 892

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 414
C.S.S.B. 624
C.S.S.B. 609
C.S.S.B. 542

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Truan and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 88 by Truan Health and Human Services
Directing the Texas Department of Mental Health and Mental Retardation to create a Case Managers' Ombudsman's Office to help ensure the independence of case managers.

S.B. 1538 by Caperton State Affairs
Relating to the creation of the offense of fraudulently obtaining or denying workers' compensation benefits.

S.B. 1539 by Caperton State Affairs
Relating to the application of the open meetings and open records laws to the Texas Workers' Compensation Assigned Risk Pool.

S.B. 1540 by Caperton State Affairs
Relating to access to public information maintained by or for governmental bodies.

S.B. 1541 by Green Health and Human Services
Relating to insurance coverage for respite care services.

S.B. 1542 by Green Health and Human Services
Relating to the provision by the Texas Department of Human Services of respite services for caregivers to the elderly and disabled.

S.B. 1543 by Truan State Affairs
Relating to the participation of the South Texas Water Authority in the state surplus property program.

S.B. 1544 by Brooks Finance
Relating to the imposition of fees on the storage, processing, and disposal of hazardous waste at commercial hazardous waste storage, processing, and disposal facilities in the state.

S.B. 1545 by Zaffirini, Santiesteban, Uribe Natural Resources
Relating to financial assistance for waste water projects to improve water discharged into the Rio Grande.

S.B. 1550 by Ratliff, Washington, Leedom Economic Development
Relating to the applicability of the Texas Workers' Compensation Act to certain employers and employees.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 122, To Committee on Jurisprudence.

H.B. 239, To Committee on Jurisprudence.

H.B. 366, To Committee on State Affairs.

H.B. 1477, To Committee on Finance.

CO-AUTHORS OF SENATE BILL 363

On motion of Senator Zaffirini and by unanimous consent, Senators Parmer, Santiesteban and Tejeda will be shown as Co-authors of **S.B. 363**.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

H.C.R. 124

GUEST PRESENTED

Senator Green was recognized and on behalf of Senator Barrientos presented Dr. Charles Mason Vonhenner of San Marcos.

Dr. Vonhenner, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 260

Senator Green offered the following resolution:

WHEREAS, On Friday, March 17, 1989, St. Patrick's Day will be celebrated throughout the world by all Irishmen, whether they claim the name by descent or adoption; and

WHEREAS, The Ancient Order of Hibernians, and those friendly to the Ancient Order of Hibernians, and their kith and kin, will hold their celebration to commemorate the great saint's feast day; and

WHEREAS, Although the citizens of the country of Ireland will certainly celebrate this merry-making occasion, many there and in other regions of the globe earnestly anticipate the arrival of a lasting peace to such a beautiful country and people; and

WHEREAS, Men of all nations, race, color, religion, and demographic settings desire the tragic conflict in Northern Ireland to be abated to prevent the unnecessary waste of both human and natural resources; and

WHEREAS, In the spirit of Irish lilt, gaiety, and laughter, the Ancient Order of Hibernians will bestow the title of "Honorary Irish Men and Women for the Day" on all Texas Senators; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, those of Irish descent and those who are Irish by adoption join together and duly pay homage to the renowned and beloved St. Patrick on March 17, 1989; and be it further

RESOLVED, That the Senate of the State of Texas of the 71st Legislature extend best wishes for a festive and spirited celebration, St. Patrick's Day, and encourage all Texans to participate in the "wearing of the green" on this special day.

The resolution was read and was adopted viva voce vote.

SENATE RESOLUTION 259

Senator Parker offered the following resolution:

WHEREAS, The State of Texas is proud to honor citizens who devote themselves to the well-being of their fellowman, and the Texas Senate joins the residents of Port Arthur in recognizing Theodore Johns, Sr., and Elmo Willard III for their unwavering dedication to blacks' civil rights; and

WHEREAS, Both attorneys graduated from Howard University School of Law and established their law firm in 1954; they wrestled to make the judicial system work for all people throughout the fever of civil rights struggles in the 1950s and 1960s; and

WHEREAS, During the 30 years of their law partnership, Mr. Johns and Mr. Willard championed the cause of the poor and oppressed, often without monetary compensation and sometimes at risk of physical injury; and

WHEREAS, Their persistence and skill effectuated racial desegregation of Lamar State College and the public parks of Beaumont; and

WHEREAS, Our judicial system has certainly made progress due to the zeal, commitment, and expertise of people like Mr. Johns and Mr. Willard; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby commend Theodore Johns, Sr., and Elmo Willard III for their fervent pursuit of justice for all; and, be it further

RESOLVED, That copies of this Resolution be sent to them as an expression of admiration and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the President's request, Senator Parker escorted Mr. Johns and Mr. Willard to the President's Rostrum.

The Senate welcomed these guests as the President presented to them an enrolled copy of S.R. 259.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 16, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS PARKS AND WILDLIFE
COMMISSION, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

GEORGE C. (TIM) HIXON

341 Milam Building

San Antonio, Texas 78205

Mr. Hixon will be replacing William L. Graham of Amarillo, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Harris.

Member, Texas Board on Aging: DR. GARY COOK, Dallas County.

Member, Board of Directors, State Bar of Texas: MRS. SARILEE FERGUSON, McLennan County.

Member, Board of Tax Professional Examiners: HERB BARNHART, Denton County.

Members, Texas Department of Commerce: ERNESTO ANCIRA, JR., Bexar County; JAMES R. LESCH, Harris County; ROBERT F. McDERMOTT, Bexar County; MRS. DIAN OWEN, Taylor County; JOHN V. ROACH, Tarrant County; EDWARD O. VETTER, Dallas County.

Member, Texas Economic Development Commission: JAMES R. LESCH, Harris County.

Member, Department of Human Services: LOUIS P. TERRAZAS, Bexar County.

Presiding Judge of the Eighth Administrative Judicial Region: JUDGE ROGER JEFFREY WALKER, Tarrant County.

SENATE BILL 361 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 361, Relating to the compensation of certain crime victims.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 361 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Harris.

SENATE BILL 638 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 638, Relating to the authority of a court to sentence defendants convicted of criminal nonsupport to house arrest and impose as a condition of the sentence that the defendants perform community service work.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 638 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 638** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Harris.

MESSAGE FROM THE HOUSE

House Chamber
March 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 438, Relating to the creation of the Rural Economic Development Commission and recommendations for development and economic growth of rural areas and expanding agribusiness.

H.B. 468, Relating to the coverage of Alzheimer's disease under certain health insurance.

H.B. 594, Relating to the definition of "coercion" for the purpose of prosecution of offenses against public administration.

H.C.R. 94, Commending the members of the appointed State Board of Education.

H.C.R. 131, Honoring Donald Meek and bestowing on him the designation of Distinguished Texas Aviator.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 133 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 133, Relating to a prohibition of the acceptance by a pawnbroker of building construction materials as pledged goods in a pawn transaction.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 133 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed viva voce vote.

**SENATE CONCURRENT RESOLUTION 32
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 32, Expressing support for the continuation and expansion of programs that provide health care and personal care services for elderly Texans in home and community settings.

The resolution was read second time and was adopted viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 32 ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 32, Relating to the creation of the offense of criminal trespass onto property from state water or a bed under state water.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Bivins, Brown, Caperton, Carriker, Dickson, Haley, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Zaffirini.

Nays: Brooks, Edwards, Green, Johnson, Parmer, Truan, Uribe, Washington, Whitmire.

Absent: Barrientos.

Absent-excused: Glasgow, Harris.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

**CONSIDERATION OF COMMITTEE SUBSTITUTE
SENATE BILL 32 POSTPONED**

On motion of Senator Washington and by unanimous consent, further consideration of C.S.S.B. 32 was postponed until 1:00 p.m. today.

MESSAGE FROM THE HOUSE

House Chamber
March 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 750, Relating to length limitations for operating motor buses on public highways.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE
SENATE BILL 300 ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 300, Relating to certain duties that may be exercised by a dental hygienist under the supervision of a dentist. (Submitted by Governor as an emergency matter)

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up **S.B. 300** for consideration at this time.

The motion was lost by the following vote: Yeas 12, Nays 16. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Brooks, Brown, Caperton, Carriker, Henderson, Johnson, Leedom, McFarland, Santiesteban, Sims, Zaffirini.

Nays: Bivins, Dickson, Edwards, Green, Haley, Krier, Lyon, Montford, Parker, Parmer, Ratliff, Tejada, Truan, Uribe, Washington, Whitmire.

Absent: Barrientos.

Absent-excused: Glasgow, Harris.

(Senator Carriker in Chair)

SENATE BILL 425 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 425, Relating to the operation of an electric cooperative.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 425 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 425** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Harris.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
March 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 112, Relating to the application of sales and use taxes to certain purchases of machinery, equipment, and related property used for manufacturing and other commercial purposes.

H.B. 1421, Relating to certain premium taxes, premium surtaxes, and retaliatory taxes imposed on certain insurance companies and the payment of tax refunds to and the distribution of tax refunds by those insurance companies.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE**SENATE BILL 191 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 191, Relating to prohibited provisions in automobile rental agreements; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 191 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 191** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 378, Relating to the dismissal of the charge of driving with an expired motor vehicle registration, an expired driver's license, or an expired vehicle inspection certificate; and providing for an administrative fee not to exceed \$10 for said dismissal.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 317 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 317, Relating to the payment approval process in the state for the purchase of goods and services by state agencies.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 317 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 317** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 11 ON SECOND READING**

Senator McFarland moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.J.R. 11, Proposing a constitutional amendment to authorize the exemption from ad valorem taxation certain personal property temporarily in the state for certain purposes. (Submitted as an emergency matter by the Governor)

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Uribe, Whitmire, Zaffrini.

Nays: Truan, Washington.

Absent-excused: Glasgow, Harris.

POINT OF ORDER

Senator Truan raised a point of order against further consideration of **C.S.S.J.R. 11**, because there was no fiscal note attached to the resolution.

The President overruled the point of order, stating a fiscal note was attached to the resolution.

The resolution was read second time.

Senator McFarland offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **C.S.S.J.R. 11**, by striking Section 4 and substituting the following:

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 7, 1989. The ballot shall be printed to provide for voting for or against the proposition. "The constitutional amendment promoting economic growth, job creation and fair tax treatment for Texans who export goods to other states and nations by restoring and allowing, on a local option basis, an ad valorem tax exemption for personal property that is in Texas only temporarily for the purpose of assembling, storing, manufacturing, processing or fabricating, by adding sections 1-j and 1-k to Article VIII of the Constitution."

The amendment was read and was adopted viva voce vote.

Senator Truan offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **C.S.S.J.R. 11**, Section 2 b(1) (page 3, line 13), Section 2 b(4) (page 4, line 8), Section 3 b(1) (page 5, line 9) and Section 3 b(4) (page 6, line 4) by adding the words "or junior college district," after the words "independent school district" and before the word "municipality".

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

(Senator Bivins in Chair)

The resolution as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Truan and Washington asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 11 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Truan, Washington.

Absent-excused: Glasgow, Harris.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 32 ON SECOND READING**

The Senate resumed consideration of C.S.S.B. 32 on its second reading and passage to engrossment. (Further consideration of the bill having been postponed until 1:00 p.m. after its second reading today)

C.S.S.B. 32, Relating to the creation of the offense of criminal trespass onto property from state water or a bed under state water.

Question - Shall the bill be passed to engrossment?

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 32, SECTION 1, Subsection (a)(3) as follows:

(3) entered the property or building from state water or a bed under state water a state-owned riverbed.

The amendment was read.

Senator McFarland offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 as follows:

Add the following language to section 1, subsection A, No. 3 after "riverbed" add one had notice the entry was forbidden or received notice to depart and failed to do so.

The amendment to the amendment was read and was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, Floor Amendment No. 1 was adopted viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 32, SECTION 1, Subsection (b)(4) by adding the following:

(4) "Portage" means the act or place of transport of a watercraft over a reasonably useful route adjacent to a state-owned river.

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 32 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Truan, Uribe, Washington.

Absent: Lyon.

Absent-excused: Glasgow, Harris.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

SENATE CONCURRENT RESOLUTION 89

Senator Brooks offered the following resolution:

S.C.R. 89. Creating and establishing the Texas Heroes Monument Commission to implement its restoration.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

MEMORIAL RESOLUTION

S.R. 261 - By Brooks: In memory of Mrs. Elmor K. Jones of Pledger, Texas.

CONGRATULATORY RESOLUTION

S.R. 258 - By Santiesteban: Extending congratulations to Mrs. Hazel S. Thompson on her retirement from the El Paso Independent School District after 40 years of service.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:11 p.m. adjourned until 11:00 a.m. Monday, March 20, 1989.